IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

OP.No. 2793 of 2001(S)

OA.1253/2000 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:
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1. ANAND KUMAR.R.
JUNIOR ENGINEER, CCW
ALL INDIA RADIO
RAGASUDHA, T.C.NO.41/1832
MANNACAUD, TRIVANDRUM (DIST).

2. MADHAVAN S.G.
JUNIOR ENGINEER, CCW,
ALL INDIA RADIO
ROHINI, T\.C.18.237.
PUNNAKAMUGHAL, ARAMADA P.O.
TRIVANDRUM.

3. REGHUNANTHAN NAIR V.K.
JUNIOR ENGINEER CCW
ALL INDIA RADIO
ANURAG T.C.10/816(1),
MANNAMMOOLA, PEROORKADA P.O,
TRIVANDRUM.

4. SREEKUMAR M.G.,
JUNIOR ENGINEER CCW
ALL INDIA RADIO
QTR.NO.C-14, AIR STAFF QTRS,
ENGINEERING COLLEGE P.O, TRIVANDRUM.

BY ADV. SRI.K.S.BALAKRISHNAN

RESPONDENTS:
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1. THE CHIEF EXECUTIVE,
PRASAR BHARATI CORPORATION,
NANDI HOUSE, COPPERNICUS MARG,
NEW DELHI.

2. THE DIRECTOR GENERAL
ALL INDIA RADIO,
AKASHAVANI BHAVAN,
PARLIAMENT STREET,
NEW DELHI.

3. THE CHIEF ENGINEER (CIVIL-1),
CIVIL CONSTRUCTION WING
ALL INDIA RADIO, PTI BLDG,
NEW DELHI 110 001.

4. UNION OF INDIA
REPRESENTED BY THE SECRETARY,
MINISTRY OF INFORMATION &
BROADCASTING, NEW DELHI.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, DOORDARSHAN
SRI.P.PARAMESWARAN NAIR, CGC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO. 2793/2001

APPENDIX

PETITIONERS EXHIBITS

EXT.P1: TRUE COPY OF the ORDER OF THE HON'BLE SUPREME COURT DT.25.11.94.

EXT.P2: TRUE COPY OF THE ORDER NO.310/15/13(D) GOVT. DT.15/5/95.

EXT.P3: TRUE COPY OF THE RECOMMENDATION LETTER BY THE SUPERINTENDING ENGINEER DT.18/7/95.

EXT.P4: TRUE COPY OF THE RECOMMENDATION LETTER BY THE SUPERINTENDING ENGINEER CIVIL DT.1/11/95.

EXT.P5: TRUE COPY OF THE RECOMMENDATION LETTER BY THE SUPERINTENDING ENGINEER CIVIL DT.23/2/96.

EXT.P6: TRUE COPY OF THE REPRESENTATION FILED BEFORE THE 2ND RESPONDENT.

EXT.P7: TRUE CPY OF THE COMPARITIVE EVALUATION BETWEEN THE NATURE OF WORK BETWEEN JUNIOR ENGINEERS AND ENGINEERING ASSISTANTS.

EXT.P8: TRUE COPY OF THE RELEVANT PARAGRAPH IN THE 5TH PAY COMMISSION.

EXT.P9: TRUE COPY FO THE ORDER OF DDG/AIR DT.25/5/2000 NO.33022/15/2000 C.W.1/64, NEW DELHI.

EXT.P10: TRUE COPY OF ORDER DT.25/2/99 OF THE GOVT. NO.310/A3/97 -B(D).

EXT.P11: TRUE COPY OF THE HEIRARCHY POSITION OF ENGG.SERVICES UNDER THE RESPONDENTS.

EXT.P12: TRUE COPY OF THE ORDER IN OA 1253/2000 DT.14.12.2000 OF CENTRAL ADMINISTRATIVE TRIBUNAL, EKM BENCH.

EXT.P13: TRUE COPY OF OA 1253/2000 FILED BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, EKM.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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O.P. NO. 2793 OF 2001

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Dated this the 22nd day of June, 2007

J U D G M E N T

Radhakrishnan, J.

This OP has been preferred against the order passed by the CAT in OA 1253/2000. The OA was preferred seeking a direction to the respondents there in to treat the applicants at par with the Engineering Assistants of the Doordarsan. Four applicants working as junior Engineers have made a request for parity in pay scale with Engineering Assistants (B&T) which was rejected by the authorities stating as follows:

> "In pursuance to Hon'ble CAT, Ernakulam Bench's order dated 21.1.2000 in OA No.42/2000 filed by R.Ananda Kumar and other pleading for upgradation of pay of JEs of CCW, AIR at par to pay scale of EAs of DG, AIR, the representation dated 10.5.99 submitted by you, has been examined. JEs of CCW, AIR and EAs of DG AIR are though working in the same organisation under Prasar Bharati however, they are separate cadres. Their duties, responsibilities, job contents, nature of work and mode of recruitment are entirely different and incomparable. Pay scales to two different cadre may not always be the same. Further more, as per para 3:5:12 of AIR Manual (Vol.I) CCW works on the pattern of CPWD and follows the same by-laws, code manuals etc. Pay and allowances to JEs of CCW, AIR granted on the pattern of CPWD. You may be aware that the recommendations of 5th CPC for grant of pay scale of Rs.5000-8000 to JEs on initial appointment, pay scale of Rs.5500-9000 after completion of five years service and pay scale of Rs.6500-10500 after completion of fifteen years

regular service have already been implemented in respect of JEs of CCW, AIR w.e.f. 1.1.1996."

2. We have perused the order in OA No.1253/2000. The competent authority has considered all aspects of the matter and has come to the correct finding that the duties and responsibilities and job contents of the Engineering Assistants and that of the Junior Engineers are different and further Junior Engineers were governed by AIR Manual wherein, it has been stated that the pay scale applicable to the Engineers of the CPWD has been extended to the applicants and that the applicants do not have any legitimate grievance.

On the basis of cogent materials, it was found by the authorities that it is not possible to keep the parity since the duties and responsibilities and job contents for the Engineering Assistants and that of Junior Engineers are different. No other materials are before us to take a different view. In the circumstances, the order of the Tribunal is confirmed and the OP is dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp